

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Court File No.: 06cv1563

Waste Management of Minnesota,
Inc.,

DWF/AJB

Plaintiff,

v.

NOTICE OF REMOVAL

Transcontinental Insurance Company,

Defendant.

Defendant Transcontinental Insurance Company ("Transcontinental") states the following for its notice of removal:

1. Transcontinental is the defendant in the above-captioned action.

Transcontinental received the Summons and Complaint through service on the Minnesota Department of Commerce, Commissioner of Insurance, on or after April 12, 2006.

Waste Management of Minnesota, Inc. v. Transcontinental Insurance Company is venued in the Fourth Judicial District Court for the County of Hennepin, Minnesota. Copies of the Summons and Complaint are attached collectively as part of Exhibit A to this Notice.

Thus, in accordance with Minnesota civil practice, Plaintiff's state court action has commenced.

2. This matter is a civil action in which the Plaintiff seeks a declaration that Transcontinental has a duty to defend and a duty to indemnify it concerning the underlying action. The complaint also seeks damages for unjust enrichment, and alleges

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that Defendant is liable to it in an amount greater than \$75,000.00 under an excess insurance policy that Transcontinental issued to Waste Management, Inc.

3. The Plaintiff is incorporated in the State of Minnesota and has its principal place of business in the State of Texas. Waste Management accordingly is a citizen and resident of the states of Minnesota and Texas.

4. Transcontinental is an insurance company incorporated under the laws of the State of New York with its principal place of business in the State of Illinois. Transcontinental accordingly is a citizen and resident of the states of New York and Illinois.

5. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

6. The United States District Court has federal diversity jurisdiction over this action because it is an action between citizens of different states and the matter Plaintiff claims is in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, under 28 U.S.C. §1332.

7. Removal of this action to this Court therefore is proper under 28 U.S.C. §§ 1332 and 1441(a).

8. This notice is being filed within thirty days of the date Transcontinental received a copy of the initial pleadings in this case by service or otherwise, pursuant to 28 U.S.C. § 1446(b).

9. True and correct copies of the Summons and Complaint, Affidavits of Compliance and Service and Certificate of Representation are attached as Exhibit A.

These documents constitute all process, pleadings and orders served on or by Transcontinental in this action to date.

WHEREFORE, Transcontinental Insurance Company requests that the above-captioned action be removed from the Fourth Judicial District of the State of Minnesota, Hennepin County, to the United States District Court, District of Minnesota, and that all further proceedings in this action be held before this Court.

Dated: 4-25-06



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